

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
4 CHRISTINA V. TUSAN  
Deputy Attorney General  
5 State Bar No. 192203  
300 So. Spring Street, Suite 1702  
6 Los Angeles, CA 90013  
Telephone: (213) 897-2643  
7 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
8

9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-619**

13 **RENEE BURROUGHS,**  
14 **a.k.a. RENEE C. BURROUGHS,**  
**a.k.a. RENEE HEARD-BURROUGHS**  
15 **333 East Piru Street**  
**Los Angeles, CA 90061**

**A C C U S A T I O N**

16 **Registered Nurse License No. 362626**

17 Respondent.  
18

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
23 Department of Consumer Affairs.

24 2. On or about August 31, 1983, the Board issued Registered Nurse License Number  
25 362626 to Renee Burroughs, also known as Renee C. Burroughs and Renee Heard-Burroughs  
26 ("Respondent"). Respondent's registered nurse license was in full force and effect at all times  
27 relevant to the charges brought herein and will expire on February 28, 2011, unless renewed.

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

3. This Accusation is brought before the Board under the authority of the following

4. Code section 2750 provides, in pertinent part, that the Board may discipline any

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not

6. Code section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

7. Code section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed

• • •

///

1 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in  
2 any hospital, patient, or other record pertaining to the substances described in subdivision  
3 (a) of this section."

4 8. California Code of Regulations, title 16, section 1443, states:

5 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the  
6 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and  
7 exercised by a competent registered nurse as described in Section 1443.5."

8 9. Code section 4060 states, in pertinent part:

9 "No person shall possess any controlled substance, except that furnished to a person  
10 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
11 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued  
12 by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to  
13 Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor  
14 pursuant to Section 3640.5, or a pharmacist pursuant to either Section 4052.1 or  
15 4052.2. . ."

16 10. Code section 4022 states:

17 "'Dangerous drug" or "dangerous device" means any drug or device unsafe for self-  
18 use in humans or animals, and includes the following:

19 (a) Any drug that bears the legend: "Caution: federal law prohibits  
20 dispensing without prescription," "Rx only," or words of similar import.

21 (b) Any device that bears the statement: "Caution: federal law restricts  
22 this device to sale by or on the order of a -----," "Rx only," or words of similar  
23 import, the blank to be filled in with the designation of the practitioner licensed to use  
24 or order use of the device.

25 (c) Any other drug or device that by federal or state law can be lawfully  
26 dispensed only on prescription or furnished pursuant to Section 4006."

27 11. Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that  
28 "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to

1 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,  
2 misrepresentation, or subterfuge . . ."

3 12. California Code of Regulations, title 16, section ("Regulation") 1442 states:

4 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure  
5 from the standard of care which, under similar circumstances, would have ordinarily been  
6 exercised by a competent registered nurse. Such an extreme departure means the repeated failure  
7 to provide nursing care as required or failure to provide care or to exercise ordinary precaution in  
8 a single situation which the nurse knew, or should have known, could have jeopardized the  
9 client's health or life."

10 13. California Code of Regulations, title 16, section 1443.5 states:

11 "A registered nurse shall be considered to be competent when he/she consistently  
12 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
13 sciences in applying the nursing process, as follows:

14 "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
15 and behavior, and through interpretation of information obtained from the client and others,  
16 including the health team.

17 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
18 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
19 for disease prevention and restorative measures.

20 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
21 treatment to the client and family and teaches the client and family how to care for the client's  
22 health needs.

23 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
24 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
25 effectively supervises nursing care being given by subordinates.

26 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
27 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
28 communication with the client and health team members, and modifies the plan as needed.

1       "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
2 health care or to change decisions or activities which are against the interests or wishes of the  
3 client, and by giving the client the opportunity to make informed decisions about health care  
4 before it is provided."

#### 5                               **COST RECOVERY**

6       14. Code section 125.3 provides, in pertinent part, that the Board may request the  
7 administrative law judge to direct a licensee found to have committed a violation or violations of  
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case.

#### 10                              **DRUG DEFINITIONS**

11       15. **Morphine** – a Schedule II controlled substance pursuant to Health and Safety Code  
12 section 11055 subdivision (b) (1)(M), and a dangerous drug pursuant to Business and Professions  
13 Code section 4022. It is a narcotic analgesic used for the relief of severe pain.

14       16. **Hydromorphone/Dilaudid** – a Schedule II controlled substance pursuant to Health  
15 and Safety Code section 11055, subdivision (b)(1)(K) and a dangerous drug pursuant to Business  
16 and Professions Code section 4022. It is a narcotic analgesic used for the relief of severe pain

17       17. **Toradol**, a brand of ketorolac tromethani, is a dangerous drug within the meaning of  
18 Code section 4022 in that it requires a prescription under federal law.

19       18. **Ativan**, a brand of lorazepam, is a Schedule IV controlled substance as designated by  
20 Health and Safety Code section 11057, subdivision (d) (16) and a dangerous drug dangerous drug  
21 within the meaning of Code section 4022.

22       19. **Reglan**, a brand of metoclopramide hydrochloride, is a dangerous drug within the  
23 meaning of Code section 4022 in that it requires a prescription under federal law.

#### 24                              **HOAG MEMORIAL HOSPITAL PRESBYTERIAN**

25       20. Respondent was employed as a registered nurse at Hoag Memorial Hospital  
26 Presbyterian (Hoag Hospital) in the city of Newport Beach, California between November 30,  
27 2005 and January 9, 2006, when the incidents set forth in this accusation occurred.

28       ///

21. At all times relevant to the charges herein, Hoag Hospital used a drug dispensing system called the "Pyxis System." The Pyxis is a computerized automated medication dispensing machine. The user enters a password to gain access and dispense medication from the machine. The machine records the user name, patient name, medication, dose, date and time of the withdrawal. The Pyxis is integrated with hospital pharmacy inventory management systems.

**FIRST CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct Based on Diversion and Possession of Controlled Substances)**

22. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a) (1), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that while on duty as a registered nurse in the Emergency Care Unit at Hoag Hospital, Respondent obtained and possessed an amount of a controlled substance, other than that prescribed by a licensed physician pursuant to Code section 2762(a), as more specifically set forth below:

### **Diversion of Controlled Substances:**

a. In and between November 2005, and January 2006, Respondent removed various quantities of the controlled substances morphine, Dilaudid, and Ativan from the Pyxis automated medication dispensing system ("Pyxis") at Hoag Hospital for certain patients when there were no physicians' orders authorizing the medications for the patients, or the quantities of the medications removed were in excess of the doses ordered by the patients' physicians. Further, Respondent failed to chart the administration of the controlled substances on the patients' Medication Administration Records (MAR), failed to document the wastage of the controlled substances in the Pyxis, or falsified or made grossly incorrect, grossly inconsistent, or unintelligible entries on the MAR's to conceal her diversion of the controlled substances, as set forth in paragraph 22 (c) below. In some instances, Respondent failed to document the patients' pain level prior to administering the medications.

**Possession of Controlled Substances:**

b. In and between November 2005, and January 2006, Respondent possessed unknown quantities of the controlled substances morphine, Dilaudid, and Ativan without valid prescriptions

1 from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation  
2 of Code section 4060.

3 c. Respondents' specific violations are set forth in full in the chart below:

4 **PATIENT A**

5 Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
6 11-3-2005	11-3-2005	11-3-2005
7 0929 Morphine 2 mg x 2 each 8 30 minutes	5 mg vial of Morphine was withdrawn by user number 41755 <sup>1</sup> at 0956. 3 mg of wastage documented	2 mg Morphine administered at 1005
9	5 mg Morphine withdrawn by user number 41755 at 1231 None wasted	2 mg Morphine administered at 1245
10	5 mg Morphine withdrawn by user number 41755 at 1535 None wasted	2 mg Morphine administered at 1600
11		
12		
13	<i>Total Unaccountable Drugs: 6 mg</i> <i>Missing Documentation: Failed to document patient's pain level prior to administration</i> <i>No documentation whatsoever provided after 1600</i>	

16 **PATIENT B**

17 Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
18 11/3/2005	11/3/2005	11/3/2005
19 1104 Dilaudid 1 mg x 2 every 20 30 minutes	2 mg of injectable Dilaudid removed by user number 41755 at 1211. None wasted	1 mg Dilaudid administered at 1225
21		
22	<i>Total Unaccountable Drugs: 1 mg Dilaudid</i>	

23 ///

24 ///

25 ///

26 \_\_\_\_\_

27 <sup>1</sup> Respondent's user number for the Pyxis machine during the relevant time period was  
28 41755. This user number also corresponds with user name "Renee, Hea" which is included in the  
Pyxis printout and represents Respondents' alias, Renee Heard.

PATIENT C

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
11/09/2005	11/09/2005	11/09/2005
1310 Dilaudid 0.5 mg x 3 each	2 mg Dilaudid removed by user number 41755 at 1317 None wasted	.5 mg Dilaudid administered at 1330
		.5 mg Dilaudid administered The time of administration is illegible
<i>Total Unaccountable Drugs: 1 mg Dilaudid. Documentation Problems: Illegible MAR documentation concerning the time of the second administration.</i>		

PATIENT D

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
11/10/2005	11/10/2005	11/10/2005
1330 Dilaudid 1 mg	2 mg Dilaudid withdrawn by user number 41755 at 1332 None wasted	1 mg Dilaudid administered at 1345
<i>Total Unaccountable Drugs: 1 mg</i>		

PATIENT E

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
11/24/2005	11/24/2005	11/24/2005
0200 1 mg Dilaudid	2 mg Dilaudid withdrawn by user number 41755 at 0218 None wasted	1 mg Dilaudid administered at 0230
<i>Total Unaccountable Drugs: 1 mg Dilaudid</i>		

///

///

///

///

///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PATIENT F

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
11/28/2005	11/28/2005	11/28/2005
1945 Dilaudid 1 mg	Pyxis 2 mg Dilaudid withdrawn by user number 41755 at 1946. None wasted	1 mg Dilaudid administered at 2000
Total Unaccountable Drugs: 1 mg Dilaudid unaccounted for		

PATIENT G

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
11/28/2005	11/28/2005	11/28/2005
2023 Morphine 5 mg	5 mg Morphine withdrawn by user number 41755 at 2029 None wasted	Cancelled/Med not given (5 mg Morphine to be administered at 2045 was cancelled)
2038 1 mg Dilaudid	2 mg Dilaudid withdrawn by user number 41755 at 2032 None wasted	1 mg administered at 2045
Total Unaccountable Drugs: 5 mg Morphine unaccounted for and 1 mg Dilaudid unaccounted for		

PATIENT I

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
11/29/05	11/30/05	11/30/05
Ativan 1 mg at 0238	None shown	1 mg Ativan administered at 0240
No Order for Dilaudid	2 mg Dilaudid withdrawn by user number 41755 at 0235 None wasted	
Total Unaccountable Drugs: 2 mg Dilaudid unaccounted for		

///  
///  
///

**PATIENT J**

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
12/09/2005	12/09/2005	12/09/2005
0700 Dilaudid 1 mg x 3 every 15 minutes	2 mg Dilaudid withdrawn by user 41755 at 0656 None wasted	2 mg Dilaudid administered at 0657
None	30 mg Ketorolac Tromethani withdrawn by user number 41755 at 0701 None wasted	None
<i>Total Unaccountable Drugs: 2 mg Dilaudid unaccounted for 30 mg Ketorolac Tromethani unaccounted for</i>		

**PATIENT K**

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
12/10/2005	12/10/2005	12/10/2005
0250 Morphine 5 mg	No withdrawal shown	5 mg administered at 0310
0325 Dilaudid 1 mg	2 mg Dilaudid withdrawn by user number 41755 at 0328 None wasted	0330 Dilaudid (Quantity administered is unknown)
<i>Total Unaccountable Drugs: 1 mg Dilaudid is unaccounted for</i>		

**PATIENT L**

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
12/17/2005	12/17/2005	12/17/2005
1 mg Dilaudid at 1918	2 mg Dilaudid withdrawn by user number 41755 at 1931 None wasted	1 mg Dilaudid administered at 1950
1 mg Ativan at 0208	2 mg Ativan withdrawn by user number 41755 at 0216 None wasted	1 mg Ativan administered at an unknown time
<i>Total Unaccountable Drugs: 1 mg Dilaudid and 1 mg Ativan unaccounted for Other Errors: Illegible MAR documentation time</i>		

///

///

PATIENT N

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
12/28/2005	12/29/2005	12/28/2005
2330 1 mg x 3 each 20 minutes	2 mg Dilaudid withdrawn by user number 41755 at 1208 None wasted	1 mg Dilaudid administered at 0005
5 mg- Reglan (unknown time)	2 mg Dilaudid withdrawn by user number 41755 at 1248 None wasted	1 mg Dilaudid administered at 0005
<i>Total Unaccountable Drugs: 3 mg Dilaudid Other Errors: No documentation patient was in pain at 1248 Pain scale was documented at 4/10 twenty-five minutes after initial administration and eighteen minutes prior to second removal from Pyxis. Patient left department at 0100. Administration of medication inconsistent with physician order</i>		

PATIENT P

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
12/29/2005	12/29/2005	12/29/2005
0510 Dilaudid 1 mg x 2 each 20 minutes	2 mg Dilaudid withdrawn by user number 41755 at 0508 None wasted	1 mg Dilaudid administered
<i>Total Unaccountable Drugs: 1 mg Dilaudid unaccounted for</i>		

PATIENT Q

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
12/30/2005	12/30/2005	12/30/2005
0159 Dilaudid 1 mg x 1 each 20 minutes until pain s 4/10 at 0151	2 mg Dilaudid withdrawn by user number 41755 at 0159 None wasted	1 mg Dilaudid administered at 0215
0152 Ativan 1 mg	2 mg Ativan withdrawn by user number 41755 at 0159 None wasted	1 mg Ativan administered at 0210
<i>Total Unaccountable Drugs: 1 mg Dilaudid and 1 mg Ativan unaccounted for</i>		

///

///

**PATIENT S**

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
12/30/2005	12/30/2005	12/30/2005
0934 Reglan 5 mg		
0620 Dilaudid 1 mg every 60 minutes	2 mg Dilaudid withdrawn by user number 41755 at 0623 1 mg Dilaudid wasted at 0631	1 mg Dilaudid administered at 0640
<i>Documentation Errors: No pain assessment documented for multiple entries</i>		

**PATIENT T**

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
1/09/2006	1/09/2006	1/09/2006
1855 Morphine 3 mg x 1 every 20 minutes	5 mg Morphine withdrawn by user number 41755 at 0725 5 mg Morphine withdrawn by user number 41744 at 0906	Morphine unknown/illegible dose administered at 1950 Morphine 3 mg administered at 2150
<i>Total Unaccountable Drugs: 7 mg Morphine unaccounted for Other errors: Failed to Document Pain on All Entries</i>		

**PATIENT U**

Physician's Post-Order Records	Pyxis Activity Report	Medication Administration Record
1/09/2006	1/10/2006	1/09/2006
No order for Morphine prior to removal from Pyxis	5 mg Morphine withdrawn by user number 41755 at 0154 4 mg Wasted	Unknown amount of Morphine administered at 0200
<i>Total Unaccountable Drugs: Unknown amount of morphine unaccounted for. Documentation Errors: Unknown/Illegible Amount of Morphine given. No doctor's orders for Morphine.</i>		

**SECOND CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct based on False Entries in Hospital/Patient Records)**

23. Respondent is subject to disciplinary action on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (e), in that in and between November 2005, and January 2006, while on duty as a registered nurse in the Emergency Care Unit at Hoag Memorial

1 Hospital Presbyterian located in Newport Beach, California, Respondent falsified, or made  
2 grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other  
3 records pertaining to the controlled substances morphine, Dilaudid, and Ativan and dangerous  
4 drugs ketorolac tromethani (Toradol) and Reglan as set forth in paragraph 22 (c).

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct based on Incompetence and/or Gross Negligence)**

7 24. Respondent is subject to disciplinary action pursuant to Code section 2761,  
8 subdivision (a)(1), on the grounds of unprofessional conduct constituting incompetence and/or  
9 gross negligence as defined in the Code of Regulations sections 1442 and 1443, in that in and  
10 between November 2005, and January 2006, while on duty as a registered nurse in the Emergency  
11 Care Unit at Hoag Memorial Hospital Presbyterian located in Newport Beach, California,  
12 Respondent was guilty of gross negligence within the meaning of Regulation 1442, as set forth in  
13 paragraphs 22 and 23 above. Respondent committed additional acts constituting gross  
14 negligence, as set forth in paragraph 22 (c).

15 **PRAAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 362626, issued to Renee  
19 Burroughs, also known as Renee C. Burroughs and Renee Heard-Burroughs;  
20 2. Ordering Renee Burroughs, also known as Renee C. Burroughs and Renee Heard-  
21 Burroughs, to pay the Board of Registered Nursing the reasonable costs of the investigation and  
22 enforcement of this case, pursuant to Business and Professions Code section 125.3;  
23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 5/28/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

28 LA2009603389 / 60524022.docx